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RE: Senate Bill 458

Members of the Senate Education Committee:

Senate Bill 458 requires that all home school students register with the county superintendent at least seven days before the beginning of the school district's fiscal year. The fiscal year begins on July 1, which means that home school families must register no later than June 23 of each year.

What is the purpose of this bill? Proponents of SB458 argue that, if local school districts can determine attendance earlier, they will be better able to allocate funding. If that is truly the purpose of SB458, why not require earlier enrollment in public schools? Currently, public school students may enroll as late as the first week of school or upon establishing residence in the district. MONT. CODE ANN. § 20-5-102(2). Wouldn't it also make sense if SB458 required earlier registration for private schools? Presently, there is no requirement that private school students register with the county superintendent.

The truth is, earlier enrollment of public and private schools would be inaccurate and, therefore, ineffective. Families remove their children from public schools and send them to private schools, and vice versa. Often families relocate to different districts, sometimes more than once a year. Sometimes these life changes occur during the summer; other times they occur during the school year. The laws relating to public funding of Montana schools already takes all this into account. Title 20, Ch. 9, Pt. 3, MCA. The public schools are funded based on the previous year's enrollment, as identified at different times of the year. Public schools are not funded based on projected enrollment for the upcoming year. Clearly, SB458 will not help school districts allocate funding. It will, however, have a disastrous impact on home schooling in Montana.

Montana families often do not decide to home school their children until middle or late summer, after June 23. If SB458 is passed, those families will have to delay their choice for an entire school year. But even more startling is the affect SB458 will have on out-of-state home school families who relocate to Montana. Under SB458, they would almost certainly be deprived of the right to home school their children for all or part of a school year.

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To illustrate the problem SB458 would create for families relocating to Montana, assume that the school year lasts from September 1 to May 31. If a family relocates during the school year, the registration deadline for that year will have expired. The family will have no choice but to enroll their children in public school for the remainder of that year. If the family relocates during the summer months, they will almost certainly be required to send their children to public school for an entire year, unless they are savvy enough to: (i) research the registration deadline before relocating; (ii) relocate to Montana between June 1 and June 23; and (iii) receive, complete, and file the paperwork on time. In other words, home school families who relocate to Montana have a three-week window in June to relocate and register or they lose their right to control their children's education. That's assuming that they know about the registration deadline and that the county superintendent makes the forms instantly available!

Relocation is *not* a remote possibility. Our children were home schooled before we relocated from Iowa to Billings in 2004, where I accepted a job as a lawyer the Crowley Law Firm. I grew up in Lewistown and I love the state of Montana, but Julie and I would not have forfeited our right to home school our children to relocate here--not even for one school year. Many of our close friends are home school families who have also relocated to Montana from other states, including Texas, Pennsylvania, New Mexico and Idaho. These friends are bright, productive professionals who relocated to Montana to work for companies like Bresnan Communications, St. Vincent Healthcare, and Big Sky Diagnostic Imaging of Billings. I cannot say whether the registration requirements of SB458 would have discouraged our friends from coming to Montana, but they and others like them are a tremendous resource to this state. They should not be forced to choose between relocating to Montana and home schooling their children.

I am not unsympathetic to the burden of financial planning for public schools, but if improved financial planning is the motivation behind SB458, this bill will not accomplish that goal. There are other ways to predict and allocate funding without vanquishing the right of Montana families to control their children's education. If you have children, you have the right to choose how they will be educated. Please preserve that right and vote against SB458.

Sincerely yours,



RONALD E. YOUDE